

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-00470 (F)**

AMERICAN CIVIL LIBERTIES)
UNION OF NORTH CAROLINA,)
DEAN DEBNAM,)
CHRISTOPHER HEANEY,)
SUSAN HOLLIDAY, CNM, MSN, and)
MARIA MAGHER,)

Plaintiffs,)

v.)

EUGENE A. CONTI, JR., in his official)
capacity as Secretary of the North Carolina)
Department of Transportation, MICHAEL)
ROBERTSON, in his official capacity as)
Commissioner of the North Carolina)
Division of Motor Vehicles, and MICHAEL)
GILCHRIST, in his official capacity as)
Colonel of the North Carolina State)
Highway Patrol,)

Defendants.)

**NOTICE OF VOLUNTARY DISMISSAL
OF DEFENDANT MICHAEL GILCHRIST**

PLEASE TAKE NOTICE that Plaintiffs American Civil Liberties Union, Dean Debnam, Christopher Heaney, Susan Holliday, CNM, MSN, and Maria Magher (“Plaintiffs”), pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismiss all claims in this action without prejudice as to Defendant Michael Gilchrist, in his official capacity as Colonel of the North Carolina State Highway Patrol.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment

* * *

Defendant Gilchrist has neither answered Plaintiff's Complaint, nor filed a motion for summary judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of the Court as to Defendant Gilchrist.

Dated this 14th day of November, 2011.

/s/ Katherine Lewis Parker

Katherine Lewis Parker

NC Bar No. 36263

Legal Director

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November, 2011, I electronically filed the foregoing NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANT MICHAEL GILCHRIST with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel for Defendants:

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/s/ Katherine Lewis Parker
Katherine Lewis Parker